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QUESTIONS: REPORT OF
SUBSIDIARY BODIES,
CONFERENCES AND RELATED
QUESTIONS: ENVIRONMENT

Products harmful to health and the environment

Report of the Secretary-General

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I. INTRODUCTION

1. The mandate for the production of regular updates of the Consolidated List of Products Whose Consumption and/or Sale Have Been Banned, Withdrawn, Severely Restricted or Not Approved by Governments 1/ dates back to 1982, with the adoption by the General Assembly of resolution 37/137 of 17 December 1982 on protection against products harmful to health and the environment. The Assembly requested the Secretary-General to base such a list upon the work already being undertaken within the United Nations system and that the List should be easy to read and should contain both generic/chemical and brand names, as well as the names of all manufacturers, and a short reference to the decisions taken by Governments that had led to the banning, withdrawal or severe restriction of the products.

2. The General Assembly, in its resolution 39/229 of 18 December 1984, decided, inter alia, that an updated Consolidated List should be issued annually and that the data should be made available to Governments and other users in such a form as to permit direct computer access to it. In order to keep costs to a minimum, the List was to be published in all the official languages of the United Nations on an alternating basis, with no more than three languages per year and with the same frequency for each language. The Assembly also decided that the format of the Consolidated List should be kept under continuing review, with a view to its improvement in cooperation with the relevant organs, organizations and bodies of the United Nations system, taking into account its complementary nature, the experiences obtained and the views expressed by Governments.

3. The first triennial review (A/41/329-E/1986/83) was submitted to the General Assembly at its forty-first session. The Assembly, in its decision 41/450 of 8 December 1986, endorsed Economic and Social Council resolution 1986/72 of 23 July 1986, whereby the Council decided that the List should continue to be published as one document, including generic/chemical and brand names and the manufacturers of these products.

4. The second triennial review was submitted to the General Assembly at its forty-fourth session (A/44/276-E/1989/78). The Assembly, in section II of resolution 44/226 of 22 December 1989, noted with appreciation the cooperative relationship established between the United Nations, the World Health Organization (WHO) and the United Nations Environment Programme (UNEP) International Register of Potentially Toxic Chemicals (IRPTC) in the preparation of the List.

5. Within the scope of the third triennial review, the Secretary-General was requested to make suggestions on ways and means of providing technical assistance, particularly to developing countries, to strengthen their capacity to utilize the List, and to study all pending issues, such as sustainable alternatives to banned and severely restricted products and unregistered pesticides.

6. The report of the Secretary-General (A/47/222-E/1992/57 and Corr.1) for the third triennial review of the List was submitted to the General Assembly at its

forty-seventh session. The Assembly, on the recommendation of the Second Committee, took note of the report of the Secretary-General (decision A/47/439).

7. The present report prepared for the fourth triennial review of the List, apart from presenting an overview of major recent developments regarding harmful products and their effects on human health and the environment, makes proposals towards more efficient production and wider dissemination of the List to its intended users.

II. REVIEW OF THE CONSOLIDATED LIST

A. Arrangements for the production of the List

8. The arrangements for the production of the Consolidated List have worked well, essentially on the same basis as reported in the first triennial review. It will be recalled that in 1985 the United Nations Secretariat, in close cooperation with WHO and UNEP/IRPTC, carried out a review of the List. The review covered arrangements for the preparation of future issues, the need for criteria for the inclusion of products, the question of the legal and public health context of regulatory actions, which had not been included in the first issue of the List, and the treatment of commercial data.

9. As a result of the review, a memorandum of collaboration was agreed upon that outlined the division of responsibilities between the United Nations, WHO and UNEP/IRPTC. Accordingly, WHO collects, screens and processes the information relating to regulatory measures taken by Governments on pharmaceutical products and on the health-related and environmental reasons for these measures, and UNEP/IRPTC performs a similar function with regard to chemical and consumer products that are regulated because of their chemical ingredients.

10. The United Nations Secretariat coordinates these inputs, ensures that relevant information available in other organizations is utilized for the purposes of the List and collects and reviews the commercial data. It also edits, translates and publishes the List. Since the reorganization of the United Nations Secretariat, following the United Nations Conference on Environment and Development, responsibility for the production of the List was transferred to the newly created Department for Policy Coordination and Sustainable Development of the Secretariat. The Department now has the lead responsibility for the issuance of the regular updates of the Consolidated List in collaboration with WHO and UNEP/IRPTC.

11. Inter-agency consultations are held periodically to review the arrangements and to discuss issues of concern to participating organizations. The last such meeting took place in New York in April 1995. As a result of the discussions held during that meeting, the following two proposals are being submitted for the consideration of the General Assembly:

(a) That from the next (sixth) issue, the List be published in two parts, one focusing on pharmaceuticals and the other on chemicals;

(b) That from the seventh issue onwards, the List be published every two years, with a supplement issued in the intervening year limited to new products and updated entries on existing products.

12. At the meeting, it was also agreed to convene at Geneva in July 1995, during the substantive session of the Economic and Social Council, another meeting, at the technical working level, of the parties collaborating in the production of the List, in order to work out the modalities for the above proposals and to examine a number of other outstanding issues not considered at the first meeting. These include:

(a) Inclusion of additional information gathered through the procedure on prior informed consent;

(b) Provision of a public health context for chemicals;

(c) Feasibility of including sustainable alternatives for the products in the List;

(d) Revision of the definition of "severely restricted".

B. Contents and scope of the List

13. With each ensuing edition of the Consolidated List, there is an increase in the numbers of products and reporting Governments. The fifth issue, which was published in August 1994, covered regulatory actions taken by 94 Governments on more than 700 products. It may be recalled that the first issue covered less than 500 products regulated by 60 Governments.

14. With respect to the content of the List, it should be noted that decisions taken by a limited number of Governments on a specific product may not be representative of other Governments' positions, particularly in view of differing risk-benefit considerations. It is also important to realize that all pharmaceutical and chemical products are potentially harmful, if not correctly used. In addition, the fact that a given product is not listed as regulated by a country does not necessarily mean that it is permitted in that country; it may mean that the relevant regulatory decision has not been communicated to the United Nations, WHO or UNEP. Alternatively, in the case of pharmaceuticals and pesticides, which are frequently subject to compulsory registration procedures, the product may not have been submitted for registration.

15. The application of criteria for the inclusion of pharmaceutical and chemical products in the List (see the annex to the present document) has significantly facilitated the screening of information to be contained in the publication. It is expected that the variance that continues to exist among Governments with respect to the criterion "severely restricted" will decrease as a result of the implementation of the system of prior informed consent developed jointly by the Food and Agriculture Organization of the United Nations (FAO) and UNEP (see sect. III.A.3 below).

16. The scope of information contained in the fifth issue remains the same as for previous issues. Part I, compiled by the United Nations, WHO and UNEP/IRPTC, covers both monocomponent and combination pharmaceutical products and chemical products. Psychotropic and narcotic substances have been included only in cases where a country has notified WHO either that the substance is controlled more rigorously than is provided for under the relevant international conventions or that the substance has been subjected to national control before being considered for international scheduling.

17. The information on chemical products continues to refer to products that have been banned for health or environmental reasons, or are only authorized for specified uses. The List does not cover the large number of widely used industrial chemicals to which occupational exposure limits - for example, maximum allowable concentrations - have been assigned by national authorities, on which information is available in the publications of the International Labour Organization (ILO) and IRPTC. Food additives, for which international standards have been established under the FAO/WHO Codex alimentarius, also continue to be outside the scope of the List. Information relating to consumer products has been limited to those products which are hazardous because of their chemical composition.

18. With regard to agricultural and industrial chemicals, it should be noted that regulations often refer to chemical groups, such as arsenic compounds, rather than to specific chemicals. Starting with the third issue of the List, references to such more generally applicable regulations are made jointly with those of the chemical element representing the group - in the above case, arsenic. Similarly, information concerning salts, esters or other groups of derivatives is grouped with the acid or other main compound.

19. Products are listed alphabetically within sections. International non-proprietary names have been used whenever possible to identify pharmaceutical products. Names standardized by the International Organization for Standardization, where available, have been used for chemicals. Each product entry includes, where available, the Chemical Abstracts Service registry number, other scientific names, common names and synonyms; the effective date on which the regulation came into force; a summary of regulatory measures taken by Governments; brief explanatory comments where possible; and legal and bibliographical references. A listing of the references cited in part I and, if available, the addresses where copies of the documents can be obtained are given in an annex to the List.

20. Part II of the List, compiled by the United Nations Secretariat, presents commercial information, including data on trade names and manufacturers, relating to a large proportion of the products in part I. It provides an easy method to cross-reference commercial names with the recognized common scientific names. Trade-name data are included for most of the chemical products and monocomponent pharmaceutical products. There are no trade-name data for combination pharmaceuticals. Owing to limited resources, manufacturer data is provided only in respect of agricultural and industrial chemicals. For widely manufactured generic products, manufacturer data is not included. In this context, it should be noted that, since manufacturers and distributors may maintain a trade name while changing the ingredients or formulation, it is

important to check the contents of a specific product using an identified trade name.

21. The commercial data were compiled through a review of various on-line databases and commercial directives for alternative nomenclature for the regulated products. Commercial names were then separated from alternate scientific names. Data on individual manufacturers were gathered primarily from scientific and commercial publications and export marketing lists of various countries. They were collected irrespective of the manufacturer's form of ownership and include transnational and national enterprises from all regions. Manufacturer data relating to transnational corporations were verified in accordance with the procedure established with the Commission on Transnational Corporations. Other manufacturer data were checked against published sources. It is expected that these procedures will continue under the mandate of the Department for Policy Coordination and Sustainable Development.

22. In 1991/92, special efforts were made to obtain manufacturers' data with respect to State-owned chemical enterprises, through requests addressed to the permanent missions of Member States known to have State-owned chemical enterprises. Information received from 11 countries was incorporated into the fifth issue. The Secretary-General is pleased to note this development, which underscores a cooperative spirit on the part of Governments.

23. The commercial information is organized under the same headings as the regulatory data in order to facilitate easy reference. Each product entry includes the product name, the Chemical Abstracts Service number, a listing of known trade names and, for certain products, a listing of known manufacturers. The location of the manufacturers as well as the trade names used by the manufacturers are also included.

C. Format of the List

24. The General Assembly, in its resolution 37/137, agreed, inter alia, that the List should be easy to read and understand. To that end, starting with the fourth issue, a new format and graphic presentation of the data was developed. The typeset is larger, the characters are in upper and lower case, and a new cover has been designed. In addition to making the book more readable, the improved design is expected to increase sales revenue.

D. Computer access

25. The question of direct computer access, called for by the General Assembly in its resolution 39/229, is actively pursued. As mentioned in the previous report of the Secretary-General, the information contained in the List was downloaded from the mainframe to personal computers in 1992. In response to a special request, a pilot project to transfer List data to diskettes was successfully completed in 1994. In this connection, the Department for Policy Coordination and Sustainable Development is studying the feasibility of including a user interface to allow for data queries, as well as of making the information available in a similar manner through the United Nations Development

Programme (UNDP) Internet Gopher, which is expected to become available by the end of 1995.

E. Periodicity and language versions of the List

26. The General Assembly, in its resolution 39/229, stipulated that the List should be published and made available in all the official languages of the United Nations in sets of alternating languages each year, with no more than three languages per year and with the same frequency for each language. It may be recalled that the first issue and its revision were published in English only. Thereafter, the revised first issue was translated into Arabic, French and Spanish. The second issue of the List came out in 1986 in English and was translated into Chinese and Russian.

27. In section II of its resolution 44/226, the General Assembly requested the Secretary-General to ensure the publication of the List in English, French and Spanish in accordance with demand, bearing in mind resolution 39/229. Accordingly, the fourth issue was published in English and has been translated into French and Spanish. Data for Spanish has already been loaded into the database and it is expected to be published soon. The French data needs some processing before it can be loaded into the system for publication.

28. The fifth issue in English was the first one to be published on the newly developed system based on personal computers, in August 1994. It was distributed to member Governments by the Secretary-General under cover of a note verbale dated 31 October 1994. This issue will be translated into other official languages keeping in mind the request of the General Assembly that the List be published in sets of alternating languages each year.

29. The study of the periodicity and availability of the List in the official languages should continue in tandem with the question of direct computer access. Databases developed on the new personal computer-based system has a capacity for the continual updating of the List in English, French and Spanish.

F. Public health context

30. WHO regularly provides explanatory comments on pharmaceutical products to provide a context for certain regulatory actions. These comments serve to clarify cases in which Governments have taken conflicting regulatory actions in the light of different national priorities. UNEP/IRPTC and the International Programme on Chemical Safety (IPCS), a joint programme of ILO, UNEP and WHO, are not in a position to provide comments on regulatory actions related to agricultural and industrial chemicals, owing to the sheer number of products in which these chemicals appear and the manifold applications of such products. Moreover, it is virtually impossible to comment on prohibitions or use restrictions for chemical products as risk-benefit assessments and subsequent decisions may differ considerably from country to country depending on different national or local conditions, which are not fully known to UNEP/IRPTC and IPCS most of the time.

G. Dissemination and utilization of the List

31. In order to determine the use to which the List is being put, a questionnaire has been included in the publication, starting with the second issue. While there is no systematic analysis available from the recent past, based on previous experience and the latest user responses, certain observations can be made with respect to the utilization and dissemination of the List. The List is the only document that presents, in a unified manner, information on restrictive regulatory decisions taken by Governments on a range of pharmaceutical products and agricultural and industrial chemicals. As such, it is a valuable source of information for Governments in considering the scope for eventual regulatory actions.

32. In section II of its resolution 44/226, the General Assembly requested the Secretary-General to consider ways and means of ensuring more effective involvement of non-governmental organizations in promoting the dissemination and utilization of the List. The Department for Policy Coordination and Sustainable Development regularly receives requests for copies of the List from non-governmental organizations.

33. The fifth issue was sent to such groups as the Pesticide Action Network, an international coalition of over 300 citizens' groups in 60 countries, which oppose the misuse of pesticides and support reliance on safe, sustainable pest control methods. The Network uses the List as one of its major sources of information for the Dirty Dozen campaign, which targets a number of particularly hazardous pesticides for strict controls, bans and ultimately elimination.

34. Other organizations, such as the International Organization of Consumers Unions, a world-wide organization of 174 national, quasi-governmental, regional and independent consumer groups in 67 countries, uses the information contained in the List in its project Consumer Interpol. It monitors the use of hazardous products through its national constituents and distributes information to policy makers, the media and consumers with the aim of removing such products from the market.

35. Greenpeace, a non-governmental organization with 30 offices around the world, requested copies of the List for each of its offices for information dissemination among its members. Also, in connection with its pesticide campaign, it published a study in January 1993 on public access to pesticide information, proposing modifications to the FAO Code of Conduct on the Distribution and Use of Pesticides. The study recommended the expansion of the coverage and scope of the List to include data collected in compliance with provisions of the FAO Code, calling the List a powerful rallying tool for citizen groups world wide.

36. Departmental copies are also sent to grass-roots consumer groups in developing countries, who are engaged in the environment and sustainable development activities. To this end, the Department maintains a computerized mailing database, which is regularly updated.

III. DEVELOPMENTS SINCE THE LAST TRIENNIAL REPORT

A. Follow-up to the United Nations Conference on Environment and Development

37. The report on the last triennial review was prepared before the convening of the United Nations Conference on Environment and Development, held at Rio de Janeiro in June 1992. The adoption of Agenda 21 2/ at the Conference was one of the most important initiatives launched by the United Nations in a decade, through which an effort was made to provide a linkage between environment and development in general, and in the area of harmful products in particular. Agenda 21 provided real impetus to the ongoing work carried out by the organizations of the United Nations system and other concerned intergovernmental organizations, particularly through its chapter 19 on environmentally sound management of toxic chemicals.

38. The following six programme areas have been identified for intensive international work and improved coordination of international activities under chapter 19 of Agenda 21:

(a) Expanding and accelerating international assessment of chemical risks;

(b) Harmonization of classification and labelling of chemicals;

(c) Information exchange on toxic chemicals and chemical risks;

(d) Establishment of risk reduction programmes;

(e) Strengthening of national capabilities and capacities for management of chemicals;

(f) Prevention of illegal international traffic in toxic and dangerous products.

39. In order to achieve the objectives of chapter 19 of Agenda 21, a whole range of activities at the international, regional and national levels were proposed. The following developments and related activities are specifically relevant to the subject of the present report:

(a) Strengthening and expanding IPCS to coordinate activities of the United Nations system, particularly on chemical risk assessment;

(b) Establishment of an intergovernmental forum;

(c) Promotion and enhancement of mechanism for exchange of information on chemical safety, through the implementation of prior informed consent procedures.

40. The major intergovernmental instrument for monitoring the follow-up to the United Nations Conference on Environment and Development is the Commission on Sustainable Development. The Commission provides for the active involvement of organs, programmes and organizations of the United Nations system, other

relevant intergovernmental organizations, and encourages the participation of non-governmental organizations, including those from the industry, business and scientific communities.

1. International Programme on Chemical Safety

41. IPCS was established in 1980 by the executive heads of UNEP, ILO and WHO as a joint venture. One of the specific purposes of IPCS is to access the risks to human health and the environment posed by chemicals, whatever their origin or wherever they are found, thus providing internationally evaluated scientific information on which Member States can base their chemical safety measures.

42. Another is to strengthen national capacities for prevention and treating the harmful effects of chemicals, and for coping with any emergencies involving chemicals. The programme is concerned with the safe use of chemicals from beginning to end: production, importation, transport, storage, use and disposal. It deals with both man-made chemicals and those of natural origin.

43. In 1992, in order to achieve the objectives of chapter 19 of Agenda 21, the United Nations Conference on Environment and Development stressed that collaboration between UNEP, ILO and WHO in IPCS should be the nucleus for international cooperation on environmentally sound management of chemicals, and that every effort should be made to strengthen the programme. It also called for cooperation with other programmes such as those of the Organisation for Econonic Cooperation and Development (OECD) and the European Commission.

44. In response to the call by the United Nations Conference on Environment and Development for IPCS to be the nucleus for improved international cooperation on environmentally sound management of chemicals, intensive consultations have taken place between WHO, ILO, UNEP, FAO, the United Nations Industrial Development Organization (UNIDO) and OECD to set up an expanded collaborative programme, for which a policy basis has been agreed. An Interorganizational Coordinating Committee has been established, and a memorandum of understanding prepared, which provides the legal basis for cooperation among the six organizations. It is expected to be signed by all during the first half of 1995. The Committee will be responsible for oversight and ensuring coordination of activities on chemical safety carried out by the organizations individually or jointly.

45. In addition, the possibility is envisaged of joint scientific and technical activities to support sound management of chemicals with other bodies such as the European Commission, and specific cooperative agreements would be drawn up for this purpose. It has been agreed that WHO would be the administering organization for the expanded IPCS, and the director of the WHO programme on promotion of chemical safety has been invited to serve as its executive secretary. The new collaborative programme will be called the Interorganizational Programme for the Sound Management of Chemicals (IOMC).

46. Specific coordinating mechanisms have been established in relation to some programme or subprogramme areas, such as harmonization of classification of chemicals, information exchange on toxic chemicals and chemical risks, and chemical risk evaluation. These mechanisms provide a regular forum for all

interested bodies working in the respective areas to consult with each other on programme plans and activities, and to discuss ways and means of ensuring that the activities are mutually supportive.

2. Intergovernmental Forum on Chemical Safety

47. At the first session of the Preparatory Committee for the United Nations Conference on Environment and Development, "environmentally sound management of toxic chemicals" was selected as one of the priority issues and a potential area for action. At its second session, the Preparatory Committee, in addition to calling for a strengthening of IPCS, also invited WHO, UNEP and ILO, within the framework of IPCS and in cooperation with FAO and other competent organizations, to report on work being carried out through the appropriate government expert meetings on proposals for an intergovernmental mechanism for chemical risk assessment and management.

48. In 1991, the Governing Council of UNEP requested the Executive Director, in cooperation with WHO, ILO, OECD and the Commission of the European Communities, among others, to prepare draft proposals for an intergovernmental mechanism for chemical risk assessment and management and to convene, within the framework of IPCS, a technical meeting of government-designated experts to consider these proposals.

49. To that end, IPCS convened in London in December 1991 a meeting of government-designated experts to discuss draft proposals for the establishment of an intergovernmental mechanism for chemical risk assessment and management. The meeting made recommendation for increased coordination among international organizations in this field and called, inter alia, for the establishment of an intergovernmental forum on chemical risk assessment and management. The meeting also made proposals on the objectives, roles and functions of such a forum, including its possible scope. The recommendations of this meeting were reviewed and endorsed by the Preparatory Committee at its fourth session.

50. The United Nations Conference on Environment and Development took note of the results of the London meeting, and in order to consider its recommendation, invited the executive heads of WHO, ILO and UNEP to convene an intergovernmental meeting within one year. The executive heads convened the International Conference on Chemical Safety, which was hosted by the Government of Sweden at Stockholm in April 1994. Representatives from 114 countries, together with those from United Nations bodies, specialized agencies of the United Nations, other intergovernmental organizations and non-governmental organizations took part in the International Conference.

51. The International Conference established an Intergovernmental Forum on Chemical Safety. The Forum is a non-institutional arrangement whereby representatives of Governments meet to consider and provide advice and, where appropriate, make recommendations to Governments, international organizations, intergovernmental bodies and non-governmental organizations involved in chemical safety on aspects of chemical risk assessment and management. It will provide policy guidance with emphasis on regional and subregional cooperation, develop strategies in a coordinated and integrated manner, foster understanding of

issues, and promote the required policy support. At its first meeting the Forum adopted the priorities for action in chapter 19 of Agenda 21.

52. The second meeting of the Forum will be held before the special session of the General Assembly in 1997, to be convened to consider progress made in the implementation of Agenda 21 as a whole. A third meeting is foreseen for the year 2000. Between meetings, the activities of the Forum are directed by an inter-sessional group, composed of 31 countries.

53. The first meeting of the Inter-sessional Group was held in Bruges, Belgium, from 20 to 23 March 1995. The following items were discussed at the meeting:

(a) Forum activities and projections;

(b) Evaluation procedures for chemicals;

(c) Mutual profiles on management of chemicals;

(d) Harmonization of classification and labelling of chemicals;

(e) Risk reduction programmes;

(f) Prior informed consent;

(g) Cooperation among Inter-sessional Group countries.

The next meeting of the Inter-sessional Group will be held in Australia in early 1996.

3. Prior informed consent

54. The General Assembly, in its resolution 37/137, agreed that products that had been banned from domestic consumption and/or sale because they had been judged to endanger health and the environment should be sold abroad by companies, corporations or individuals only when a request for such products was received from an importing country or when the consumption of such products was officially permitted in the importing country. In its resolutions 38/149 and 39/229, the Assembly requested the organizations of the United Nations system to provide the necessary technical assistance to the developing countries, at their request, for the establishment or strengthening of national systems for managing hazardous products, as well as for an adequate monitoring of the importation of those products. In paragraph 68 (f) of the annex to its resolution 42/186 of 11 December 1987, the Assembly also recommended that trade in hazardous industrial products, such as toxic chemicals and pesticides, and in some other products, such as pharmaceuticals, should be subjected to regulations to ensure sharing by the contracting parties, Governments and consumers of information on their environmental and health implications and on methods for their safe use and disposal.

55. In 1989, the FAO Conference adopted amendments to the Code of Conduct on the Distribution and Use of Pesticides which had come into force in 1985, and introduced the principle of prior informed consent. At about the same time, the

Governing Council of UNEP adopted the principle of prior informed consent and incorporated it into the London Guidelines for the Exchange of Information on Chemicals in International Trade. 3/

56. Both UNEP and FAO have elaborated guidelines for the principle of prior informed consent, whereby the international shipment of a chemical that is banned or severely restricted, in order to protect human health or the environment, should not proceed without the explicit agreement of the designated national authority in the importing country having been provided with all the relevant information.

57. UNEP and FAO have continued their collaboration in the operation of the procedure of prior informed consent on the basis of the memorandum of understanding between the two organizations concluded in November 1992. In this collaboration, FAO has primary responsibility for pesticides while UNEP takes primary responsibility for other chemicals. The UNEP and FAO secretariats prepared and distributed a document concerning guidance for Governments on the operation of the prior informed consent procedure for all designated national authorities of participating countries.

58. The FAO/UNEP Joint Group of Experts on prior informed consent has been providing advice to the UNEP and FAO secretariats on various aspects of the operation of the prior informed consent procedure. It has also formulated criteria for assessing the applicability of such regulatory actions to the prior informed consent procedure. In addition to the chemicals notified through the notification system under the procedure, acutely hazardous pesticide formulations that are not necessarily banned or severely restricted in any country, but are known to be causing health or environmental problems under conditions of use in developing countries, are being considered for inclusion into the procedure.

59. In order to ensure that the information on control actions in the prior informed consent database is complete and up-to-date, all designated national authorities have been requested to provide the secretariats with a national inventory of all control actions to ban or severely restrict chemicals in their country. Some Governments reported that they were not in a position to supply the requested inventory of banned or severely restricted chemicals as they did not have the necessary legislation to regulate chemicals. Many countries have supplied notifications, which are now in the process of being verified for compliance with the established definitions and criteria.

60. As chemicals are identified for inclusion in the prior informed consent procedure, decision guidance documents are developed by the secretariats. Each decision guidance document consists of two parts: a summary of the control actions on the chemical and a summary of information on the chemical. The documents are reviewed by the FAO/UNEP Joint Group of Experts and after finalization are made available to designated national authorities in English, French and Spanish together with the necessary importing country response forms for processing.

61. Since the implementation of the voluntary prior informed consent procedures in 1989, 129 countries are now participating through their designated national

authorities. In order to ensure wider participation, UNEP and FAO will invite Governments that have not yet done so to designate national authorities for the implementation of the prior informed consent procedure. A total of 51 countries have responded to the request of an inventory of all control actions to ban or severely restrict chemicals in their country. New chemicals will be included and decision guidance documents developed as updated inventions on control actions are received.

62. As at 31 December 1994, responses had been received from 77, 59 and 35 countries, respectively, to the three sets of decision guidance documents, two of them containing six pesticides each and a third set of five industrial chemicals. These importing country responses are entered into a prior informed consent database that is maintained for this purpose. A compilation of all responses received is distributed to all participating countries. This is intended to enable exporting countries to ensure that exports of these chemicals do not take place contrary to the import decisions of the importing countries concerned.

63. In 1991, the Governing Council of UNEP requested to reconvene the Ad Hoc Working Group of Experts on Prior Consent and Other Modalities to Supplement the London Guidelines for the Exchange of Information on Chemicals in International Trade for further urgent action, including work on strengthening the legal basis of the amended London Guidelines, taking into consideration the experience gained in their implementation and of the prior informed consent procedure. In 1992, the United Nations Conference on Environment and Development also identified the need for developing a legally binding convention on prior informed consent in chapter 19 of Agenda 21. The Ad Hoc Working Group recommended the establishment of a task force to consider modalities for the development of a convention on prior informed consent, including possible elements for the convention. The resultant set of elements for such a convention were further elaborated by the Ad Hoc Working Group in April 1994.

64. In November 1994, having noted the work already done by UNEP for the development of a convention on prior informed consent, the FAO Council agreed that the FAO secretariat should proceed with the preparation of a draft convention on prior informed consent as a part of the current FAO/UNEP programme on prior informed consent and in cooperation with other international and non-governmental organizations concerned.

65. UNEP and FAO convened an informal consultative meeting in December 1994 to consider major issues related to the development of a convention on prior informed consent. Having noted the agreement at the FAO Council on the development of such a convention, the meeting suggested that the Executive Director of UNEP seek from the Governing Council of UNEP at its eighteenth session, in May 1995, a mandate to start negotiations on the development of such an instrument with a view to its conclusion possibly by 1997. Upon the expected adoption of a UNEP Governing Council decision in May 1995, on the development of a legally binding convention on prior informed consent, UNEP and FAO will organize the negotiating process for such a convention, possibly starting in late 1995.

66. During the informal consultative meeting, several participants raised the issue of the export of chemicals banned for use in countries. The meeting recommended that, as a first step, a study be carried out on actual situations of the international trade in widely prohibited chemicals. The UNEP/FAO secretariats are currently undertaking the study based on relevant information provided by Governments.

67. In order to discuss the issue of the export of chemicals banned for use in the countries which produce them, and other trade related issues, in the context of a legally binding prior informed consent convention, UNEP convened the first meeting of the Expert Group on International Environmental Agreements and Trade in New York on 30 and 31 March 1995.

4. Other developments

68. In section II of its resolution 44/226, the General Assembly noted the need to utilize the work being done by the Working Group on Export of Domestically Prohibited Goods and Other Hazardous Substances set up by the General Agreement on Tariffs and Trade (GATT). The Group was formed in 1989 to consider the establishment of a notification system for products that were banned or severely restricted domestically but were still exported. The system would cover those products that were not already covered under other international agreements. The Group held its last meeting in June 1991, without being able to reach a consensus on the text of a draft decision. The mandate of the Group expired in July 1991.

69. The work on general trade and environment issues was undertaken by the Group on Environmental Measures and International Trade. During its meetings between November 1991 and January 1994, the Group considered some of the issues raised during the earlier work on domestically prohibited goods, particularly with regard to the relationship between the GATT provisions and those of other international agreements.

70. At the successful conclusion of the Uruguay Round of trade negotiations, and the establishment of the World Trade Organization (WTO), the issue of domestically prohibited goods was incorporated into the work programme of the WTO Committee on Trade and the Environment. The issue was discussed at the February 1995 meeting of the Committee, and it is expected that work will be picked up again from the point reached in the 1991 draft decision, taking into account the developments that have taken place since then, both within GATT/WTO and in international environmental agreements.

71. One of the proposals from the United Nations Conference on Environment and Development was that the chemical industry should develop an international code of principles for the management of trade in chemicals, particularly with respect to their disposal. UNEP was requested to provide an international forum for consultations with private sector parties on the preparation of such a code. Since then UNEP has convened a number of meetings with industry, other private sector parties, international organizations and governmental experts.

72. In 1994, parties agreed on a Code of Ethics on the International Trade in Chemicals, which has been widely distributed to international and national

chemical industry associations, other private sector parties, Governments and intergovernmental organizations. The European Chemical Industry Council has already announced its intention to endorse the Code. UNEP will monitor the adherence to and implementation of the Code and will organize a forum in 1996 to assess the results obtained in achieving the major objectives of the Code.

B. Technical assistance

73. There is an urgent need to strengthen capacities and capabilities for the identification, management and reduction of risks posed by chemicals to human health and the environment. While most developed countries have at least some systems in place for the environmentally sound management of chemicals, many developing countries have only very limited facilities or none at all. The establishment and strengthening of such systems and institutions at the national and regional level, particularly in the developing countries, is very much desired. The development of manpower, including training for decision-making on regulatory measures, and improved access to information are essential.

74. Most of the United Nations agencies organize chemical safety training for developing countries, either separately or jointly through IPCS. The establishment of IOMC is expected to strengthen the coordination of activities to assist countries in the development of chemical management systems.

75. Both FAO and UNEP have been undertaking technical assistance activities for a number of years relevant to the Code of Conduct and the London Guidelines respectively. In order to ensure effective implementation of the prior informed consent procedure, FAO and UNEP, in cooperation with the United Nations Institute for Training and Research (UNITAR), continue to provide technical assistance to developing countries and countries with economies in transition in the form of workshops and meetings. The purpose of such workshops and meetings is to provide government officials with training, with a view to strengthening both decision-making and regulatory capabilities in the respective countries.

76. A number of developing countries lack chemical legislation, particularly concerning industrial chemicals. In order to assist countries without adequate chemical legislation to implement the prior informed consent procedure, UNEP has been developing legislative guidance documents on chemical management. The first of a series, entitled "Legislating chemicals: an overview", will be published by the middle of 1995.

77. WHO technical cooperation and/or training activities with countries are undertaken either through the relevant WHO regional office or technical centre or in collaboration with UNEP/IRPTC, ILO/International Occupational Safety and Health Centre and UNITAR. Six training manuals in chemical risk management are now ready for publication, and three more are under preparation. Guidelines on strengthening national chemical safety programmes are expected to be published in 1995. Some 20 training courses have been organized directly or jointly by IPCS in developing countries since 1992, and 12 are planned for 1995.

78. International policies and standards regarding the safety of chemicals at work are formulated by ILO. Standards are defined in conventions and

recommendations which provide a model as well as stimulus for national legislation and practice in Member States. ILO assists developing countries establish or strengthen their national framework so that they can eventually ratify ILO instruments. In this connection the ILO Convention on Safety in the Use of Chemicals at Work, 1990 (No. 170) and the ILO Convention on the Prevention of Major Industrial Accidents, 1993 (No. 174), are specially relevant. ILO also provides specific safety training to labour inspectorates.

79. UNIDO pays particular attention to training in the safe formulation and application of pesticides and has published safety guidelines. The Economic Commission for Europe (ECE) is cooperating with OECD to extend to ECE countries with economies in transition systems and practices established by OECD for the safe handling of chemicals.

80. UNITAR, in cooperation with IPCS, is preparing an inventory of training assistance activities, organized by international organizations in the field of chemical safety, to improve future coordination for such activities. Both organizations are also cooperating in collecting information for developing comprehensive national profiles of capabilities and capacities for the management of chemicals.

IV. FUTURE PROSPECTS

81. The recently formalized arrangements of IOMC should strengthen the role of the United Nations system towards the achievement of the goals of chapter 19 of Agenda 21. The expanded IPCS could provide scientific and technical foundation, based on which informed decisions could be made. But the success of the Intergovernmental Forum on Chemical Safety will depend on the determination and willingness of governments to implement its recommendations.

82. Now that the Forum has established priorities for action in implementing environmentally sound management of chemicals, it should continue to specify clear targets to be achieved by 1997, 2000 or beyond. The Forum, through its Inter-sessional Group, should periodically review and evaluate the effectiveness of ongoing activities in all areas of chemical safety and make recommendations for further work. In this respect the need for indicators at national and international levels cannot be overemphasized. Specific indicators are required to measure progress towards meeting the objectives of each programme area within chapter 19.

83. UNEP and FAO should continue to work to develop modalities for an international legally binding instrument for the mandatary application of the prior informed consent procedure. In addition, implementation of the relevant provisions of ILO conventions concerning chemicals and major industrial accidents should be encouraged.

84. The issue of the effects of environmental regulations on trade in general, and of a legally binding instrument for prior informed consent procedure on trade in hazardous chemicals in particular, is a very complex one which needs careful further examination in appropriate forums, in order to induce compliance with multilateral environmental agreements.

85. In the area of risk assessment, while most technical work is continuing elsewhere to produce quality data on which to base chemical risk assessments, United Nations bodies should continue to encourage efforts towards better understanding of the potential risks from exposure to chemicals.

86. Progress is being made with technical work - based on major existing systems - to harmonize classification and labelling of chemicals, but an international framework is required to translate the results of the technical work into a legally binding instrument. At the same time, a lot of work needs to be done at the national level to bring existing systems in line with any agreed international standards.

87. As part of a longer-term objective, appropriate United Nations bodies/programmes should encourage efforts to find substitutes for harmful chemicals and use of safer technologies and processes and the implementation of effective preventive and protective measures.

88. Up-to-date national profiles indicating current status as well as future needs will be an essential ingredient in any strategy employed to achieve environmentally sound management of chemicals. Also required will be proper chemical legislation, as well as national capacity for implementation and enforcement.

V. CONCLUSIONS

89. Many activities are being undertaken within and outside the United Nations system towards the environmentally sound management of chemicals. It is beyond the scope of the present report to document all of them, but some of those most relevant to the Consolidated List have been described under section III. The inclusion of additional data gathered through the implementation of the prior informed consent procedure is going to enhance the relevance of the List to the objectives of the programme area of information exchange on toxic chemicals and chemical risks, of chapter 19 of Agenda 21.

90. The importance of the List for the dissemination of information on hazardous products has been recognized by the Commission on Sustainable Development, which has stressed the need for its continuous updating and for undertaking further measures to disseminate broadly the information contained in it.

91. In order to enhance the efficiency of production and distribution, and in view of the practical limitation of having the publication in one volume, it is suggested that the List be published in two parts, one for pharmaceuticals and the other for chemicals, and that the List be issued every two years with a supplement for the intervening year.

Notes

1/ For previous issues of the Consolidated List, see United Nations publications, Sales Nos. E.85.IV.8, E.87.IV.1, E.91.IV.4 and E.94.IV.3.

2/ Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992 (United Nations publication, Sales No. E.93.I.8 and corrigenda), vol. I: Resolutions adopted by the Conference, resolution I, annex II.

3/ UNEP/GC.14/17, annex IV.

ANNEX

Criteria for the inclusion of pharmaceutical and chemical products in the Consolidated List

1. Pharmaceutical products a/

(a) "Banned product"

A product that has been withdrawn from use and/or sale nationally in one or more countries by order of the competent national authority, having regard to its safety in relation to its intended use.

(b) "Voluntary product"

A product that has been withdrawn from use and/or sale nationally in one or more countries by voluntary action of the manufacturer, having regard to its safety in relation to its intended use.

(c) "Severely restricted"

A product containing:

(i) A substance that is controlled more rigorously than is provided for under the 1961 Single Convention on Narcotic Drugs or the 1971 Convention on Psychotropic Substances or that is subjected to analogous control at the national level before it has been considered for international scheduling;

(ii) A substance that may be incorporated in pharmaceutical dosage forms only within the specific limits determined by statute;

(iii) A substance that is approved by a competent national authority and is subsequently subjected to restrictions that exclude its use in a substantial proportion of the potential target population of patients having regard to its safety. A substance that from the outset has been severely restricted in its indications having regard to the known balance of safety and efficacy is excluded.

(d) "Non-approved"

A product that has been formally submitted for registration by a manufacturer to a national competent authority and which has been rejected on grounds of safety.

2. Chemical products

(a) "Banned"

A product that has been prohibited for all uses nationally in one or more countries by final government regulatory action because of health or environmental reasons.

(b) "Withdrawn"

A product formerly in commerce that has been withdrawn for all uses nationally in one or more countries by final voluntary action of the manufacturer because of health or environmental reasons.

(c) "Severely restricted"

A product for which virtually all uses have been prohibited nationally in one or more countries by final government regulatory action because of health or environmental reasons, but for which certain specific uses remain authorized.

Notes

a/ Products that are in illicit trade only would not be considered.